

COUNCIL ACTION FORM

SUBJECT: REPEAL OF ADA HAYDEN HERITAGE PARK FISHING REGULATIONS AND SUBMISSION OF FISHING PIER GRANT APPLICATION

BACKGROUND:

Prior to the opening of Ada Hayden Heritage Park (AHHP) in August of 2004, the Iowa Department of Natural Resources (IDNR), in conjunction with Iowa State University, completed a fisheries survey for the lakes. The goals of the survey were as follows:

- 1) Determine what species were present,
- 2) Assess age-growth of the fish, and
- 3) Assist with the development of appropriate fishing regulations to guide the development of a Fishery Management Plan for this site

The fisheries survey confirmed that, due to the lack of habitat and the depths of this man-made lake, the fish population had been impaired. Based on these findings, conversation followed between local anglers, ISU and City staff members, and IDNR staff on how best to manage and enhance this resource.

Local anglers expressed the need to impose limits on pan fish (crappie, bluegill, and sunfish) and for catch and release regulations on bass. However, the IDNR did not support their position. In Iowa, the IDNR has the responsibility to make recommendations to the Iowa Natural Resources Commission (NRC) for how all "public bodies of water" will be managed throughout the State. Prior to 2009, the IDNR and NRC had **not supported or allowed** limits on pan fish and had established an 18" minimum length limit on black bass (versus catch and release only) for all public bodies of water in Iowa.

In response to the IDNR and NRC's fishing regulations in Iowa related to limits and catch and release, **in 2003 local anglers shared the following observations.** They also made a recommendation that the City adopt an ordinance in an attempt to maintain this site as a viable recreational fishing sport for years to come.

- This is a unique site when compared to other Iowa bodies of water. It is a man-made body of water that functioned as a rock quarry for several decades. It is, on average 50 feet deep, with very steep banks. Due to these conditions, fish habitat and spawning zones are virtually non-existent.
- Prior to City ownership, the site was privately owned and the public was denied access. Because of this, hundreds (if not thousands) of people in

central Iowa have the perception that the lake is “full of huge fish.” The IDNR survey demonstrated that is not the case. As the Fisheries Survey proved, the lack of habitat and spawning zones has affected both the quantity and quality of fish.

- Once the park opens tremendous usage will occur, not only from anglers in central Iowa, but potentially from a 50- to 75-mile radius.
- A City ordinance needs to be adopted to protect this sensitive fishery. If not, the site could be “fished-out” in perhaps less than a month or two. The IDNR’s authority is limited to “public bodies of water”. Therefore, via an ordinance, the City could control how many and the type of fish anglers had in their possession “on land”.

In response to the input received from these Ames residents, in January of 2004 the City Council adopted the following Municipal Code sections to govern fishing at Ada Hayden Heritage Park:

- Catch and release regulations on Bass (Chapter 19, Section 19.15)
- Limits on Crappie, Bluegill and Sunfish (Chapter 19, Section 19.16)
- Establish and Protect Spawning Zones (Chapter 19, Section 19.17)

Once the Code was approved, the IDNR continued to challenge the City’s philosophy for managing the fish population. In response to the IDNR’s ongoing concern, in 2007 City staff hosted a meeting between the IDNR, ISU faculty and staff members, and Story County Conservation staff. At that time, IDNR officials continued to state that limits and catch and release regulations are **not** an effective method to manage fish populations. They stated that if the City would rescind the existing ordinance, the IDNR would implement the following practices to improve fishing at this site:

- Monitor and research the fish population
- Stock the lake with fish
- Enhance and increase the fish habitat

Additionally, the IDNR said the City would become eligible for grants that could enhance park visitors’ overall fishing experience. This could include receiving funding up to \$90,000 of the \$130,000 cost to construct a fishing pier at the north end of the lake. Given this information and the IDNR’s ongoing opposition to the City’s fishing ordinance, City staff informed the IDNR that staff would once again meet with local anglers, share this information, and gain their reaction.

A meeting was next held with some local anglers in 2008. The anglers said that the park has been open for five years and that the volume of people that fish this site is no longer a concern. Additionally, they value the IDNR’s offer to stock the lake, to monitor the fish population, and to enhance the fish habitat.

In 2008, City staff, as well as faculty and staff members with ISU and the director of Story County Conservation, concurred with the local anglers' perspective. Therefore, in 2009, it now seems prudent to take full advantage of the IDNR's expertise and resources to enhance the fishery component at AHHP. The additional benefit of becoming eligible for grants to enhance the public's fishing experience is most positive.

Currently, the City's FY 08/09 Capital Improvement Plan includes an expenditure of \$130,000 to construct a fishing pier and overlook feature at the north end of the lake.

At its March 26, 2009, Parks and Recreation Commission meeting, the Commission unanimously approved recommending that the City Council repeal the ordinance related to the fishing population at Ada Hayden Heritage Park and direct staff to submit a grant to the IDNR for up to \$90,000 of the cost to construct a fishing pier at this site.

Following the March 26 Commission meeting, a few local anglers contacted staff expressing concern that the spawning areas would no longer be enforced by ordinance. In response to this feedback, staff held a meeting on **May 12, 2009, between the IDNR and local anglers with the goal of addressing the value spawning zones play in a man-made lake.** IDNR staff stated that decades of scientific research and data proves that restricting fishing from a "designated spawning zone has no effect on the fish population." They said that "70% of fish mortality is due to mother nature and environmental factors – not anglers." Following a lengthy discussion, the local anglers in attendance said they now understand the science behind the IDNR's position, and they offered to assist the City staff with educating other fishing enthusiasts about the science and data supporting IDNR's position. At this meeting, it was agreed that City staff, in conjunction with IDNR staff and avid local anglers, could begin providing educational information to the general public (via TV Channel 12, local media, etc.) related to the "science of managing fish populations."

ALTERNATIVES:

1. Repeal the regulations related to the fishing population at Ada Hayden Heritage Park and direct staff to submit a grant application to the IDNR to fund up to \$90,000 of the cost of a \$130,000 fishing pier at this site.
 - a. First passage of ordinance amending the Municipal Code by repealing sections related to catch and release regulations; limits on crappie, bluegill, and sunfish; and spawning zones at Ada Hayden Heritage Park.
 - b. Motion directing staff to submit a grant application to IDNR for funding for construction of a fishing pier at Ada Hayden Heritage Park.
2. Do not repeal the ordinance related to the fishing population at Ada Hayden Heritage Park. Additionally, delay the 2008/09 Capital Improvement Plan calling for a Fishing Pier and Overlook Feature to be installed until additional fiscal resources (City and/or private) can be obtained totaling \$90,000.

CITY MANAGER’S RECOMMENDED ACTION:

This park has been open five years and the concern that the lake will get “fished out” no longer exists. Historically, and to this day, staff has relied heavily on the input received from the IDNR, local anglers, and the expertise of faculty and staff from ISU and Story County Conservation on how best to manage this unique man-made feature. It now seems appropriate and advantageous to utilize the IDNR’s expertise and resources to manage the fishery component of Ada Hayden Heritage Park, as well as to apply for IDNR grants to enhance the public’s fishing experience there.

Therefore, it is the recommendation of the City Manager that Council adopt Alternative #1, passing on first reading an ordinance repealing the regulations related to the fishing population at Ada Hayden Heritage Park and directing staff to submit a grant to the IDNR to fund up to \$90,000 of the cost of a fishing pier at this site.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 19.15, 19.16 AND 19.17, RELATED TO THE FISHING POPULATION AT ADA HAYDEN HERITAGE PARK; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 19.15, related to the catch and release regulations on bass at Ada Hayden Heritage Park.

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 19.16, related to limits on crappie, bluegill, and sunfish at Ada Hayden Heritage Park.

Section Three. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 19.17, related to the establishment and protection of spawning zones at Ada Hayden Heritage Park.

Section Four. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Five. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk
O1007

Ann H. Campbell, Mayor

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